



## PCT

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P62359MC00/MCOD		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA416)	
International application No. PCT/EP 02/12619	International filing date (day/month/year) 12.11.2002	Priority date (day/month/year) 13.11.2001	
International Patent Classification (IPC) or both national classification and IPC A61B1/267			
Applicant MCMORROW, Roger			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 5 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand  04.06.2003		Date of completion of this report  02.04.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office - Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840		Authorized Officer  Pohjamo, T  Telephone No. +49 30 25901-577 	

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International application No. PCT/EP 02/2619

## I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

### Description, Pages

1-18 as originally filed

### Claims, Numbers

2-22 as originally filed  
1 received on 23.02.2004 with letter of 23.02.2004

### Drawings, Sheets

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-21
	No: Claims	22
Inventive step (IS)	Yes: Claims	1-21
	No: Claims	22
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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**Re Item V****Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Reference is made to the following documents:**

D1: US-A-6 135 948 (LEE HAN SHIK) 24 October 2000 (2000-10-24)  
D2: GB-A-2 258 398 (MACDONALD STUART DONALD) 10 February 1993  
(1993-02-10)

**2. Novelty (Article 33(2) PCT)**

Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document): a blade (14) for a laryngoscope, the blade comprising a deployable mirror (20); and an operating mechanism (32, 44, 48-52, 58), the operating mechanism being operatively associated with the mirror for the deployment thereof, wherein the mirror is pivotable with respect to the blade (Fig. 9), the association of the operating mechanism and the mirror being such that an initial operation of the operating mechanism causes the mirror to be deployed (Fig. 7), and further operation of the operating mechanism causes the mirror to be pivoted with respect to the blade (Fig. 9).

The subject-matter of claim 22 is therefore not new (Article 33(2) PCT).

**3. Inventive Step (Article 33 (3) PCT)**

Document D1 discloses a laryngoscope with a deployable and pivotable mirror from which the subject-matter of claim 1 differs in that the operating mechanism is spring biased to adopt a rest state, and that the deploying and pivoting of the mirror are done by operating the operating mechanism from its rest state against the spring bias. An initial operation causes the deploying, and a further operation the pivoting.

Document D2 discloses a laryngoscope with a deployable mirror, where the

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operating mechanism is spring biased to adopt a rest state (p. 2 lines 31-36). However, there is no pivoting of the mirror. In D1 the operating of the mirror is done in two phases: first deploying the mirror by pressing the operating mechanism towards the body of the laryngoscope (col. 5 lines 56-58), and then pivoting the mirror by sliding the operating mechanism (col. 5 lines 58-60). Pressing and sliding are separate operations, therefore differing from the continuous and combined operation mechanism of claim 1. Also nothing in D1 suggests that the operating mechanism would automatically be returned to a rest position when not operated. Therefore, not even the combination of D1 and D2 would lead a skilled person to the laryngoscope of claim 1. The subject-matter of claim 1 involves an inventive step as required by Article 33(3) PCT.

4. The industrial applicability (Article 33(4) PCT) is clearly given for the subject-matter of claims 1-22.